

REMARKS

An Office Action was mailed on February 12, 2008. Reconsideration is respectfully requested in view of the amendments and remarks made herein. Claims 1-10 are pending.

Claims 4-10 stand objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend upon another multiple dependent claim. In response claims 4-10 have been amended to remove the multiple dependent claims. Accordingly, applicants request removal of the objection.

Claims 1-3 are rejected under 35 U.S.C. §102(e) as being anticipated by Maissel et al (U.S. 2004/0049787 A1).

Claim 1 has been amended, to recite the limitations of “managing a list of preferred programs in accordance with predetermined criteria, and in which at least a part of the criteria is based on information about the program evaluation by other users of the broadcast medium; and, adapting program selection of the receiver to allow a user to navigate through the list.” Support for the amendments can be found in the specification at least on page 2, lines 6-10 and page 4, lines 10-19. No new matter has been added.

Applicant respectfully submits that the cited Maissel fails to teach or suggest “adapting program selection of the receiver to allow a user to navigate through the list,” as claimed in amended claim 1.

The Manual For Patenting Examining Procedure (MPEP) § 2131 clearly sets forth the standard for rejecting a claim under 35 U.S.C. § 102(b). “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” (MPEP § 2131, quoting Verdegaal Bros. v. Union Oil Co. of California 2 USPQ2d 1051, 1053 (Fed Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ...claim.” (MPEP § 2131, quoting Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). “The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e. identity of terminology is not required.” (MPEP § 2131, citing In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990)).

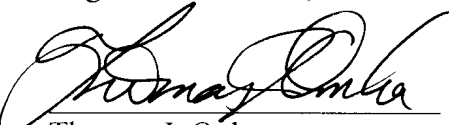
Since Maissel does not teach all of the limitations of independent claim 1, it cannot anticipate the present invention. For at least the above cited reasons, Applicant submits that Claim 1 is patentable over Maissel.

With regard to claims 2-10, these claims depend from the independent claim discussed above, which has been shown to be allowable in view of the cited reference. Accordingly, each of claims 2-10 are also allowable by virtue of its dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

Dan Piotrowski
Registration No. 42,079

By: 
Thomas J. Onka
Attorney for Applicant
Registration No. 42,053

Date: May 7, 2008

Mail all correspondence to:
Dan Piotrowski, Registration No. 42,079
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9624
Fax: (914) 332-0615